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ABSTRACT

This paper analyzes the progress of Milwaukee, Wisconsin, school system toward meeting school desegregation requirements. It begins with a descriptive history and then explores issues and complications in the process of desegregating the local schools. These include: (1) federal funding; (2) racial balancing; and (3) policy formation. Various court decisions are also reviewed as they affected desegregation in Milwaukee. (APM)

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DESEGREGATION

[CEMREL Paper 2]

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REFLECTIONS ON THE MILWAUKEE DESEGREGATION EXPERIENCE

Introduction

As the Milwaukee Public Schools prepares for the opening of the 1980-1981 school year, we can look back on a five-year history of coming to grips with the reality of a desegregated system. Unlike many other urban school systems, following its federal order in January of 1976, the Milwaukee school system moved with considerable dispatch in achieving the student and staff racial balance requirements. For many districts meeting these statistical obligations imposed by the court represents a prodigious and protracted process. While the task was no less prodigious for Milwaukee, at least the process was not unreasonably protracted. By 1977 the district had achieved court-ordered racial balance requirements stemming from the liability finding in January of 1976.

This analysis of the progress of the Milwaukee school system toward meeting desegregation requirements begins with a descriptive history. Following this history the paper will explore some of the attendant issues and complications of the process. In stating some of these issues and complications it is hoped that we can then bring to bear research and policy analysis techniques, the results of which could be of benefit to other systems going through the process. Even if some of these matters are not amenable to research and policy analysis, their very identification would serve the purpose of alerting districts that are in an earlier stage of the process to the issues and problems ahead. To be forewarned is to be forearmed.

A HISTORY

On January 19, 1976, the U.S. District Court for the Eastern District of Wisconsin handed down a decision that found the entire Milwaukee school system was unconstitutionally segregated.[1] At the same time, the court handed down a partial judgment that directed the Milwaukee Public Schools to begin immediately to formulate plans to eliminate every form of segregation in the public schools of Milwaukee, including all consequences and vestiges of segregation previously practiced by the defendants. The court appointed a special master, John Gronouski (former postmaster general of the United States), and directed him to work with the school system to formulate a plan to meet compliance.

Just prior to the court order, the administration and the board developed various statements of policy that demonstrated their interest in using voluntary approaches and educational incentives to accomplish a reduction in racial isolation in the schools. The Statement on Education and Human Rights, adopted by the Board of School Directors on September 2, 1975, pledged the board "to work toward a more integrated society and to enlist the support of individuals, as well as that of groups and agencies, both private and governmental, in such an effort."

The superintendent, in fall 1975, submitted to the board three alternative programs -- High Schools Unlimited, Schools for the Transition, and Options for Learning. At meetings on January 6 and February 3, the board endorsed the concepts contained in these alternative programs, with the understanding that specific planning for their implementation would involve broad segments of the community and the teaching staff.

The High Schools Unlimited concept recognized the fact that a single high school could not offer the variety of educational and career education courses required by all its students. High Schools Unlimited can be illustrated by viewing each Milwaukee senior high school as a triangle. At the base of the triangle would be the standard curriculum available at all high schools in the city. In the center section of the triangle would be advanced subject area programs each high school could offer in common with one, two, or three other geographically scattered high schools. At the top of the triangle would be a Career Specialty Program unique to that school and not available at any other high school in the city.

The Schools for the Transition concept proposed that schools for students in the transition years between elementary and senior high school be so diversified in program and organizational structure they would offer alternatives in education to attract pupils citywide. The schools would not only expand upon learning options for pupils in elementary schools, but would retain the exploratory nature of traditional junior high schools so that young people would be guided properly into the specialties offered by High Schools Unlimited.

The Options for Learning concept focused on students below the senior high school level. A map of the city in three concentric circles was used to demonstrate that there would be a two-way movement of students. The movement would be outward for students whose parents desired to have them attend schools in newer neighborhoods, even though economic and other circumstances

1. Amos v. Board of School Directors of the City of Milwaukee, 408 F. Supp. 765, 818 (E.D. Wis. 1976) pp. 134-135.

might prevent the family from moving to those neighborhoods. Inward movement would take place for those students whose parents wished to have them attend alternative schools that would stress different approaches to learning. Such alternative schools would be located closer to the central section of the city.

All three of these alternative programs envisioned parents as having either the choice to have their children remain in their district schools or to exercise the right to select alternatives in sites outside their immediate neighborhoods. In addition to approving the concepts contained in these alternative programs, the board authorized the superintendent to proceed with planning specific details with the understanding that principals, faculty, and community representatives would be included in the planning.

The Milwaukee desegregation case began in December 1965, when Lloyd Barbee, president of the local NAACP and lawyer for the plaintiffs, brought suit against the Milwaukee Board of School Directors, the superintendent, and the secretary-business manager, on behalf of forty-one named black and nonblack children. The case was finally brought to trial in 1973, and the liability decision was handed down by the district court on January 19, 1976. The planning by the board and the administration to reduce racial isolation on a voluntary basis was in retrospect fortuitous, timely preparation for the January 19 court order.

At its first regular meeting following the court order, the Board of School Directors requested that the superintendent submit recommendations for community involvement in preparing plans for alternative schools and integration. The board approved such a community involvement structure on March 2, and the structure came to be known as the "Committee of 100." Communitywide meetings two weeks later in each local school eventually led to the election of the "Committee of 100," which held its first organizational meeting on April 6, 1976. In the middle of April, the school administration presented both to the Committee of 100 and the school board its plans for improving racial balance in the schools beginning in September 1976. At this time the court had set no guidelines, goals, or statistical objectives defining either the nature of a racially balanced school or the number of such schools to be in existence by a given time. The board adopted the administration's plans with some modifications on May 4, and the Committee of 100 presented its recommendations to the Special Master at unprecedented televised hearings from May 12 to May 15. Along with the board plans, other plans were presented by the plaintiffs, individual groups from the community, and the Milwaukee Teachers' Education Association. The court had earlier approved the entry of the latter as an undesignated intervenor in the suit.

Following the May hearings, the Special Master presented his own plan to the court but unexpectedly withdrew it on June 9. Two days later, the court directed the school board to submit by June 30 a new plan that would guarantee the integration of one-third of the schools in the district by the following September. In this important June 11 order the court specified a three-phase timetable for achieving complete racial balance; by September 1977 a second one-third of the schools would have to be integrated, and by September 1978 all the schools must be integrated. Also, for the first time the court defined the nature of a racially balanced school as 25 to 45 percent black. By June 25, the administration had developed a new plan incorporating many

of the features of the April plan. It called for the establishment of fifteen specialty elementary schools, four specialty junior high schools, career specialty programs in five senior high schools, five downtown satellite centers, and a new pupil transfer plan to enhance racial balance. This pupil transfer plan was based on an extraordinary piece of state legislation that came to be called Chapter 220.

State governments have had a less-than-admirable recent history in meeting the needs of urban school districts that have come under desegregation orders. The all too common practice is for states to divorce themselves from any responsibility in meeting the increased costs associated with court-ordered desegregation in their major cities. The Wisconsin State Legislature, however, in enacting Chapter 220 demonstrated an enlightened approach to public policy formation that is a refreshing contradiction to most state legislatures in similar situations. In Chapter 220 the state of Wisconsin provided additional state aids for students assigned or transferred within a school system when this movement had a racial balancing affect. Also, special state aid was available to minority students transferring to suburban school systems and nonminority students transferring from the suburbs to minority city schools. In the case of both intra- and inter-district transfers the state picked up the full cost of transportation. This vital infusion of state aid (currently about 12 million dollars per year) allowed the Milwaukee Public Schools to carry through on the educational innovations necessary to properly fuel a racial balance plan based on educational alternatives. (Conta)

The court gave its approval to the plan submitted to it by the school administration on July 9, 1976. Exactly fifty-nine days remained before the start of school on September 7, when the court ordered that at least fifty-three schools --one third of the total--had to be within a racial balance range of 25-45 percent black. Only fourteen schools met this standard as the school system approached the beginning of the 1976-77 school year. A major handicapping factor in soliciting the voluntary movement of approximately 12,000 students was the fact that the summer months were not the easiest periods to contact students and families. A major thrust during the weeks immediately following July 9 was a community awareness program to acquaint students, parents, and other citizens of the possibilities available in September. We used a tabloid supplement in daily and weekly newspapers, the mailing of a personalized letter to the home of almost every student with a return postcard for more information, the eventual mailing of over 40,000 brochures describing the various educational options, and the information/rumor control center for telephoned requests for information. The Metropolitan Milwaukee Association of Commerce coordinated the distribution of specialized brochures to its members' employees throughout the metropolitan area.

Simultaneously, school personnel and community volunteers were being mobilized to implement the personal contact phase of the recruitment effort. The principals of twenty-four elementary and secondary schools began returning to duty on July 20 to provide leadership for individual school efforts. Assisted by other administrative personnel normally on duty during the summer, they developed a variety of methods best suited for the local school situation to personally contact students and parents to achieve the goals for their schools. Members of the Committee of 100, elected delegates at local schools, school community committees, the Milwaukee City Council of PTA's, the Coalition for Peaceful Schools, members of the clergy, and ad hoc parent groups in various parts of the city were all active at one time or another in the recruitment effort.

Both the print and the electronic media provided extensive coverage of the summer activities and details of the plan itself. A series of promotional spots was broadcast by radio and television stations, and special prime-time television programs were scheduled. An unprecedented simulcast on all six local television stations and several radio stations provided the community with a midpoint report on a Sunday evening in August. Over 1,000 telephone calls were handled by forty-five volunteers in a one and one-half hour period following the simulcast.

As the opening of school approached, open houses and other community activities were held at option schools and other schools included in the plan for September. The "4th R" program, funded initially by the Faye McBeath Foundation, was also announced. Available for children enrolled in the elementary and junior high option schools, the program would provide recess, noon hour, Saturday, and off-site group activities throughout the school year.

In past years the teaching staff assigned to the 158 schools comprising the Milwaukee school district reported for duty on the work day immediately preceding the first day of student attendance. This procedure was altered considerably during the summer of 1976, particularly for those staff members assigned to target schools for the court-ordered one-third goal. Teachers and administrators involved with most of the elementary and junior high option schools began service five days earlier, and teachers and administrators assigned to other racially balanced schools one day earlier.

On the weekend prior to the opening of school, the school board president, in a series of spot announcements on four television and seven radio stations, urged parents to send their children to school on opening day, September 7. On the evening of that historic day, the superintendent made available to the media a school-by-school enrollment report and announced that fifty-three schools, the exact number required, had met the court-ordered goal of 25-to-45 percent black enrollment. He noted that it had not been necessary to use mandatory assignment to achieve the goal of the court.

As has been the experience for many years at the opening of a new school term, students continued to enroll in the schools during the days and weeks following September 7. Community attention during this period was focused on the ability of one bus vendor to provide an adequate level of service on all the routes for which it had contracted. Also, one option school failed to attract a sufficient number of students to make its continued operation feasible and was ordered closed as an option school and its population dispersed by the superintendent.

The traditional third-Friday-in-September enrollment report to the State Department of Public Instruction provided the base line for all student data for the 1976-77 school year. On the basis of this report, the superintendent reported to the Special Master that the official 1976-77 enrollment was 109,565. More significant, sixty-seven schools had now met the 25-to-45 percent black enrollment goal, a figure that was 126 percent of the court-required number of fifty-three schools and 100 percent of the school district's goal. Also reported was the fact that 330 students had taken advantage of the Chapter 220 opportunity to enroll in eight cooperating suburban school districts and that thirty-eight schools had met the court-established 11-to-21 percent black teacher staffing range.

At the same time the first year's results were being reported to the Special Master, Representative Clement Zablocki announced that the Milwaukee Public Schools had received a grant of $3.4 million under Title VII of the Emergency School Aid Act. The grant, which ran to June 30, 1977, had provisions for innovative instructional approaches, a remedial component, a human relations component, provisions for the dissemination of desegregation information, and evaluation and resource management components.

Basically, the plan combined the Magnet School concept with the more traditional techniques such as closing schools and declarations of overcrowded conditions, in order to meet the racial balancing of one-third of the schools in September 1976.

Achieving the court-ordered first-year goal by September 7 did not signal the end of the effort that began on July 9. Even before the final results were announced at the end of September parents and other citizens, secondary students, and staff members were assembling at local schools.

At each school representatives were elected to twelve planning councils for elementary schools and one planning council for junior highs and senior highs, respectively. The elementary planning councils represented twelve "leagues"--geographic divisions of nine to twelve elementary schools grouping inner-city and outer-city schools in such a way to have the total league reflect the overall racial balance of the city.

All of the planning councils began their series of meetings on or about September 22, electing their own chairpersons and setting their own meeting schedules. Two principal co-captains were assigned to each council to serve in a facilitating role. The planning council activities culminated in reports which were completed on November 12. These reports were transmitted to the Committee of 100, which, after a series of subcommittee and full committee meetings, submitted its own detailed report to the school administration on November 22. It was the purpose of the leagues to cause parents and interested citizens to come together to plan the educational designs to meet the court-ordered requirements. League and association planning councils constituted the representatives of the respective league and association schools. The educational recommendations from the planning councils were forwarded to the Committee of 100 and ultimately to the board and administration for inclusion in the plan. It is important to point out that guidelines for league planning were published that structured community involvement in a way to complement the planning base established by the superintendent's staff. That planning base included not only the geographical structuring of leagues and associations, but also the administration's plan to phase into a K-5, 6-8, 9-12, and a complementary K-8, 9-12, grade level structure. Having a coherent grade level plan was the basis then of making the choice system operate effectively. Countless hours of design and redesign went into the student assignment system. Axiomatic in the development of every stage of the desegregation plan was the administration's strong belief that the planning base and the student assignment system must remain the prerogative of the professionals. Other aspects of the plan, notably including the identification of specialty programs, was influenced, and, in some cases, completely directed by parent involvement.

On March 16, 1977, the District Court entered a final student desegregation remedy order based to a considerable degree upon the recommendations made by the superintendent, which first appeared in draft copy on December 8, 1976. The implementation of the order resulted in 101 racially balanced schools (now defined as having student population between 25 and 50 percent black) in September, 1977. The 101 racially balanced schools met exactly the court standard for the second year.

The Supreme Court, on June 29, 1977, vacated the judgment of the circuit court and remanded it back to the circuit court for reconsideration in light of two recent Supreme Court decisions -- Village of Arlington Heights v. Metropolitan Housing Development Corp. and Dayton Board of Education v. Brinkman. On September 1, 1977, the circuit court in turn vacated both the January 19, 1976, and March 17, 1977, orders of the district court and remanded the entire case to the district court.

On September 8, 1977, the circuit court issued a further order that stated, "The plan adopted by the district court shall remain in effect for the coming school year . . . ." This mandate has been followed in that all aspects of the second year of the remedial plan have been implemented and are presently in operation. On October 21, 1977, the circuit court clarified its earlier orders so as to exclude the implementation of the 1978-79 portions of the remedial plan and to disband the Office of the Special Master.

The district court determined that additional testimony should be received. Hearings commenced on January 3, 1978. After recessing on January 14, the hearings recommenced on February 14, and the court's hearings on intent closed March 8, 1978.

With the Supreme Court's vacating and remanding the original district court decision back to the district court for what amounts to a retrying of the case, the school system was left to its own resources for planning for September 1978.

Based on the evidentiary hearings that the district court held in January and February 1978, the court on June 1, 1978, issued a decision that essentially reconfirmed its previous findings that the defendants had administered the school system with segregative intent since 1950, and in doing so violated the rights of the plaintiffs under the Constitution. On August 2, 1978, the court ordered that an interim desegregation plan be implemented during the 1978-79 school year; this plan maintained the requirement that two-thirds of the schools would have to be racially balanced.

In July and October 1978, the district court held evidentiary hearings on the issue of present effects that resulted from the intentionally segregative acts found by the court. On February 9, 1979, the court issued a decision holding that the present effects were systemwide and directed the parties to submit proposed desegregation plans designed to remedy those present effects.

The most recent chapter in this desegregation case's long history has been the settlement agreement. When the court on February 8, 1979, issued its decision holding that the present effects were systemwide, it directed the parties to submit desegregation plans to remedy the effects. Prior to the

court decision in February, the plaintiff and defendant attorneys had been meeting in an attempt to settle the case. The Milwaukee Board of School Directors had instructed defendant attorneys and the administration to negotiate a settlement agreement and bring back to the board for its consideration whatever compromise was reached.

Ostensibly the meetings by the plaintiff and defendant attorneys were held in private, pursuant to their mutual agreement. The press did manage, however, to gain from their informants detailed descriptions of the meetings. Naturally, they published these descriptions. The defendants' attorney, Mr. Laurence Hammond, feared the premature revelation of negotiating positions because he felt board members might take positions for or against the settlement agreement based on incomplete and possibly erroneous information. In fact, this happened. Nevertheless, despite the objection of some board members who felt the settlement agreement too liberal and of the two black board members who felt the settlement agreement too conservative, the board on February 27, 1979, voted nine to six in favor of the settlement agreement and submitted it to the court on March 1, 1979, in lieu of separate submissions of desegregation plans by the plaintiffs and defendants.

The settlement agreement calls for 75 percent of the students being in racially balanced schools over a five-year period, unless the percentage of black students increases beyond 50 percent (in which case the 75 percent standard would be reduced proportionately). Also, the settlement agreement prohibited all-white schools by requiring at least a 25 percent black population in each school. Finally, the settlement agreement provided an absolute guarantee to all parents that, if they desired, their children would be provided education in a racially balanced school.

The most controversial aspect of the settlement agreement is that it would allow some all-black schools. Both plaintiff and defendant attorneys argued that the settlement prescribed a minimum standard for desegregation that met the constitutional requirements; the school board could legislate beyond this standard. Also, it was pointed out that black students were guaranteed seats in racially balanced schools if they so desired.

An opportunity for all members of the class to be heard on the proposed settlement was given on March 26 through 29. Approximately fifty individuals testified on their views of the settlement agreement. The court felt it important to have this full and complete hearing in light of the Seventh Circuit Court of Appeals reversal of a settlement agreement involving the infamous Chevrolet engines in Oldsmobile bodies. In that case the circuit court argued that the district court had not given adequate hearings to the objectors in the class action.

The hearings were concluded on March 29, 1979, and on May 11, 1979, Judge John Reynolds accepted the settlement as negotiated. On June 20, 1979, the district court was informed that its decision would be appealed by the NAACP on behalf of the objectors to the settlement. It is anticipated that the Seventh Circuit Court will not review the settlement agreement in time to have any effect on its implementation for the 1979-80 school year.

The faculty desegregation issue has followed a developmental process paralleling the student racial balance remedy. The faculty desegregation

goals expressed in the settlement agreement would require the school system to maintain two-thirds of the schools in the system with faculties within plus or minus 5 percent of the total percentage of black teachers in the system. The remaining one-third of the schools would have faculties within a plus or minus 10 percent of the percentage of black teachers in the total system. The Milwaukee Teachers' Education Association has taken exception to the process for achieving these racial balance goals, and thus the settlement agreement does not contain statements on the faculty desegregation process. The plaintiffs and defendants joined together in proposing a faculty desegregation process with the understanding that the district court would have to settle the dispute. On May 11, 1979, the court adopted the joint plaintiff/defendant faculty desegregation plan.

The Current Scene

In the 1979-1980 school year, the first year under the settlement agreement, Milwaukee Public Schools had 79 percent of its students attending racially balanced schools, and all other requirements of the settlement agreement were either met or exceeded. Our predictions at this point in our planning for the 1980-1981 school year are that we shall enjoy continued success in meeting the requirements of the court.

Milwaukee's approach to desegregation has become the preeminent model for other northern urban school districts. The Milwaukee Plan adambrates desegregation solutions tailored in Buffalo, Indianapolis, Los Angeles, and many other major cities. Moreover, the suburban urban exchange program sponsored by the State of Wisconsin has sparked considerable interest in other states.

Waxing eloquence of the virtues of the Milwaukee Plan tends to minimize the difficult and lingering problems associated with general success. No remedy to segregation, even when fired in the crucible of public participation, can be rendered a pure form acceptable to all. Even if a remedy can be fashioned with thoughtfulness and logical internal consistency (most remedies do not exhibit either one of these factors), forces outside the remedy process will inevitably impinge upon it and distort it. In the balance of this paper we will examine some of the issues both internal and external to the remedy that could benefit from exposure and additional analysis.

The Mixed Blessings of Financial Aids for Desegregation

The implementation of the Milwaukee Plan has involved massive effort and considerable expense. It could not possibly have been accomplished without financial help from outside the district, but getting that help involved dealing with a maze of rules and policies. As an example of how conflicting regulations frustrate and bewilder school administrators, our court order of 1977 defined a racially balanced school as one 25-40 percent black. However, for the purposes of receiving E.S.A.A., Magnet School funding, a school was required to be in the range of 20-50 percent minority, while at the same time the State of Wisconsin Statute 220 provided desegregation aid to Milwaukee under the classification system of "greater or less than 30 percent minority." The bilingual community consistently challenged the court with the question, "Are we a recognized minority or are we non-black?" Because the decision rules regarding court, state, and federal standards were not in accord, both the public and school staff were confused regarding which decision rules governed student movement under the desegregation plan. Add to this definitional confusion the requirements under the Lau decision to provide special programs for students whose primary language is other than English, and P.L. 94-142 (also Chapter 115 of the Wisconsin Statutes) requirements to provide special education services to handicapped children, and finally the special requirements for Title I, E.S.E.A., funding, the State's 13 Standards, and other regulatory measures, and one can come to understand the enormously complex environment in which desegregation plans must be fashioned.

One of the major and obvious problems of E.S.A.A. federal funding is that by design it is intended to diminish over time. It supports only those activities that are a result of the desegregation process and not those directly needed for the desegregation effort itself. Another inherent problem is the way in which federal priorities shift. In our first year of E.S.A.A. funding in our system (1977) the program gave top priority to remedial reading and math programs. We established such programs in accordance with this priority. However, in recent years, E.S.A.A. program priorities have shifted into areas as human relations and improving student conduct. When these new program areas are funded, original programs in reading and math are left without federal support and no local or state means to pick up the financial burden of these programs.

In years past it has taken until October to get the release of E.S.A.A. funds, and that has created unbelievable problems in terms of staffing and meeting program objectives. That situation was promised improvement this year in that the Title VI office was required to make its funding determination by June 1. However, as of this writing (August) our district still has no authorization for Title VI, E.S.A.A., expenditures for the coming year. Moreover, we expect less money for the program as the competition among urban school districts becomes greater. Another inherent problem with E.S.A.A. funding is that, generally speaking, it has followed Title I design as far as comparability and supplantation. That means that Title VI programs are "pullout" in design. "Pullout" programs can be destructive to continuity of program. There is adequate

responsibility at the local level and adequate compliance staff at the federal and state levels to redesign the funding approach along the lines of block grants. If the educational community were well organized, they might be able to influence the federal bureaucratic structure on this issue, because legislators do not seem that concerned about the particular financial structure of federal funding. Legislators are primarily concerned about how much the district they represent is going to get.

Federal Title I programs also create some problems. In addition to the fact that the pullout design interrupts programming, the regulations are a problem because the eligibility requirements have the effect of pulling out disproportionate numbers of minority children and isolating them within otherwise desegregated schools.

At the state level, Wisconsin has taken the lead in support for desegregation, with what has come to be called Chapter 220, passed in 1976. While the court and the litigation process had no direct effect in creating Chapter 220, it probably could not have come into existence had not the Milwaukee Public Schools come under court order to desegregate. The court order generated considerable sympathy on the part of legislators throughout the state and served as an entree for other types of political pressure to be applied that resulted in the legislation. Chapter 220 provides for additional state aids for urban districts that desegregate students within their system, and also districts that participate in voluntary city-suburban student transfers to enhance racial balance. Not only did the state provide the participating school system additional aid through the state aid formula but it also picked up 100 percent of the transportation costs.

What Chapter 220 has meant to Milwaukee is $18 million dollars that comes as general revenue. The supplementary money from the state has made possible the voluntary educational program based desegregation. Even if the money were considerably less, the symbolic importance of a state contributing to help out a major district which is trying to help itself on the desegregation issue is considerable. It says something important about priorities and puts the state on the affirmative side of the desegregation issue.

School district personnel have to keep ears very close to the ground to find out exactly what current policy is and how best to frame an application for funding so that vital existing programs continue to be funded. That requires a communications team at the local district level which includes individuals who have two types of skills. You need individuals who can spend a considerable amount of time in Washington or in the state capitol, who get to know the officials and are very much committed to understanding and anticipating changes in regulation. You also need individuals who know how to develop and write proposals. You cannot depend on isolated curriculum and instruction staff members to turn out proposals, and you also cannot afford additional staff. In Milwaukee our research and evaluation staff, who are experts at structuring objectives and putting together staffing and budgets, have proven to be vitally important in the proposal development for supplementary funding. Combined with key staff members from the curriculum and instruction division, the research staff comprises a potent team for program development.

Desegregation--Where is The Leadership?

A federal court order to desegregate naturally engenders a contentious atmosphere. It creates a situation ripe for dislocations of normal power and authority relationships. The histories of numerous cities going through desegregation process are replete with examples of individuals stepping into power vacuums created by the abandonment of leadership responsibility by the school board, the administration, or both.

In some very important respects the power and authority of school boards is diminished under a court order. Since the court has moved into the general policy role and the school administrative staff (in some cases outside consultants) are responsible for design of the remedy, the board is left as "third man out." In Milwaukee the press viewed the Board's consideration of various desegregation strategies as an interesting but ultimately unimportant sideshow to the main event which focused on the judge, the superintendent, and the special master. This ignoring of the board by the media and community led to some individual board members reminding those who would hear "that the superintendent is working for us." The court's presence on the desegregation issue had the effect of reversing the normal board/administration relationship such that the board served a minor and subservient role in the desegregation policy process.

In the paper entitled "The Impact of Court Ordered Desegregation: A Defendant's View" presented in Madison, Wisconsin, on April 26, 1979, I concluded that desegregation, like issues such as ERA and abortion, defy rational public discourse and, therefore, a school board forced by law to work in a totally public arena can be expected in most instances to be incapable of providing leadership on this issue. Too often the criticism of the school board in this environment focuses on the individuals of the board and their commitment or lack of it to foster an integrated society. This kind of criticism does not take into account the complexity and the intensity of the desegregation issue, and my belief that the issue in combination with the structure and restriction of how a school board must operate systematically militate against a school board's leadership role. The rise of the courts in the administration of the desegregation plan and the institution of special masters or powerful monitoring groups can be expected where the leadership is not assumed by the legitimate authorities.

If school boards cannot be expected to assume this leadership, what about the school administration? Do they enjoy the same excuse for not acting that I have suggested can be legitimately applied to school boards? I believe the answer is no.

The relationship of the court to the school system is normally characterized by the expression, "the court acts and the school system reacts." Certainly, this does represent the normal communication pattern, particularly during the period just following the court order. However, the court, even with the benefit of the court consultant or special master, must ultimately come to rely on the school system to do the necessary work to comply with the court order. Therefore, school systems are much more masters of their destiny in the desegregation process than they sometimes wish to admit. School systems are not mere pawns in the hands

of a willful court, but rather the offending parties who can be as skilled in the rectification of constitutional rights as they were in their disobedience.

There is a natural antipathy between the court and the school system, and it is particularly evident when the court asks the guilty party or parties to develop a remedy for the problem they created. In order for the school district to develop some instant credibility with the court, you must have that strong internal system headed by a responsible line administrator with absolute commitment to compliance. Unfortunately, in many instances, administrators have lined up with those fighting desegregation, and then they lose credibility and eventually may be saddled with a plan that is of no one's design and no one's desire.

When the administration of the school system gives up the leadership in the desegregation issue, it is giving up the major policy-making force that will shape the direction that school system takes. Desegregation is much more than the mere movement of students and staff. Educational programs, staffing policies, human relations policies, students' rights and responsibilities, and countless other matters inevitably all become part of the desegregation consideration. To give up leadership on desegregation is tantamount to giving up leadership and influence on these other issues. While any analysis of this issue might focus on the unconscionable professional posture that a school administrator assumes when he or she abandons the leadership responsibilities on desegregation, my remarks have focused on the practical consideration of giving up power and authority in the maelstrom of desegregation.

The court and the school system each has its own language. Courts do not always make themselves clear to the school and schools often fail to make themselves clear to the courts. The court, in attempting to give a full and complete hearing to the plaintiffs, defendants, and in some cases the intervenors, is not necessarily either cognizant or respectful of the timelines that govern school systems' operations. Likewise, school systems cannot always produce either information or necessary action in keeping with the desires of the court.

If the court system has problems communicating its desires to school officials, it has even more problems communicating with the public. The courts have their communications mediated by the press with endless commentary and analysis by those who are totally unqualified to do it. In cases involving desegregation it is not unusual for the court to appoint a special master or court consultant, partly for the reasons of improving communications. Most often the special master functions not only as link between the court and the school system but also between the court and the greater community. In appointing such a special master, the court adds another speaker to the court's sound system, a speaker that may not always properly interpret the message of the source.

It is important to emphasize that the kind of plan we developed in Milwaukee was predicated upon the trust relationship with the court. The court allowed us three years to accomplish the full measure of required desegregation. We also depended on state support, particularly for transportation costs, since there are no federal sources for transportation cost reimbursements.

The "choice plan" that we settled on takes an enormous amount of work and is equally expensive in terms of transportation. We found out very quickly that we did not have the internal resources to deal with the transportation monster we had created--one inner-city school, for instance, sent children out to 92 separate elementary schools. Eventually we went to an outside contractor, Ecosystems, who provided routing and other services that met our complicated needs.

Compliance monitoring can be a major source of controversy. We felt it was important to limit the size of the monitoring board and clearly specify their areas of authority. Monitoring is associated with the court order and our order basically deals with assurances as to racial balance. The means of achieving racial balance are not the subject of our court order, so the scope of monitoring is limited. Nevertheless, monitoring clearly attends to the problems associated with the student assignment system. Individuals who consider themselves casualties of that system have an opportunity to go through the system's appeal process. If that does not give them satisfaction, they can go to the monitoring board.

Thus far, the monitoring board has dealt with only one major public policy issue, and that has had to do with the racial balancing of North Division High School. That school has been the major focal point of controversy in Milwaukee for the last few years. It is a $20 million dollar high school, built in the inner city. When we made an attempt to find ways to move in the 1,000 white students we would have needed for racial balance we ran into great condemnation of our racial balance policy. It was seen as betrayal of trust by some elements of the black community. North Division was seen by these elements as a school promised the black community, but now taken away in an unnecessary, and insensitive move to racially balance the school. Balancing the school racially meant that we had to limit the capacities of white high schools in order to require white students to choose North Division High School as their second choice. That was looked upon as injury to white students, and the Board reversed an earlier decision to proceed with racially balancing North Division. It was often pointed out in the hearings that the schools from which those white students were being taken were racially balanced. The monitoring board did not tell the school board what decision to make, but after the initial decision to racially balance the school had been made and all the public outcry occurred, the monitoring board suggested that the school board ought to meet and reconsider the issue.

Eventually, a settlement agreement on North was reached that called for extensive participation and influence by the community in the shaping of the program for North. An "invitation" to white students to fill reserved seats at North was extended. There is little prospect for many white students accepting the invitation.

The North Division controversy and resolution is a case study in the complexity of desegregation. The school board's three black members were firmly committed to the racial balancing of North Division and consequently were at direct odds with certain groups in the black community opposed to the board's plan for racial balancing. Because there was no requirement by the court to racially balance North, the board was acting without benefit of court excuse. While the Superintendent exercised his usual vigorous leadership on behalf of racially balancing North, without the

protective umbrella of the court, his efforts were not sufficient. This would seem testimony to the thesis that an equity issue like desegregation cannot be dealt with as a matter of rational public discourse and, therefore, needs the intervention of a compliance force such as the federal court to bring resolution. Once debate on policy has been terminated by judicial intervention, the administration should be expected to skillfully use the protection of the court to fashion a workable remedy that only they can best do.

The Psychology of Racial Balance

What is a racially balanced school? Usually this determination is expressed as a percentage range. There is a particular sensitivity at the top end of the range. Most people will concede that a minority representation of 20-25 percent is sufficient to have a real impact upon a school and avoid tokenism and racial isolation. People in Milwaukee tend to be comfortable with this definition. They are not comfortable when the top end of the range allows for more than 50 percent minority students. I defy anyone walking through a school to determine the actual difference between a 50 percent and a 60 percent black school, and yet that becomes a very significant psychological factor to many people. On one side of this issue are those who would argue in favor of a minority dominated racially balanced school. They contend it is basically racist to say you should have a majority white enrollment in a desegregated school. On the other side are black and white parents alike who raise concerns and suspicions to the school administration about the future of a school that is more than 50 percent black. This is a very touchy issue and one that is not in any manner resolved in terms of a national or a local concensus.

We can detect no achievement differences attributed to whether or not a school is in the low or the high end of the racial balance range. Achievement differences, both perceived and real, do exist within the class of racially balanced schools between racially balanced attendance area schools and some racially balanced city-wide schools. This is not surprising in the case of two of our racially balanced city-wide schools that are Magnet schools for the gifted and talented. However, other city-wide schools by dint of program and reputation enjoy higher achieving clientele. This has led to some natural antipathy between those who espouse the values of Magnet or specialty school education versus those who oppose Magnet schools on a basis of their alleged elitist enrollment outcomes. This has remained a rather minor issue in Milwaukee because most of those in the system and in the active community outside the system strongly support the specialty school concept. Research on this issue could lend much insight and possibly dispel some myths.

Once a school is racially balanced, the dominant concern on racial balance shifts to the issue of resegregation. This has been an isolated issue in Milwaukee simply because of the nature of our desegregation plan. We control the incoming population to each school based on our choice process. While this entails more hard work than a pairing approach or redistricting approach, the obvious benefit is the relative ease by which racial balance is maintained. The effectiveness of a racial balance plan needs to be evaluated not only in terms of its ability to create racial balance at one magic moment in time but also in its ability to maintain this balance

effectively. Many traditional approaches to desegregation fail miserably in this latter area.

Milwaukee has not suffered any significant increase in white flight since desegregation. Our percentage of black students has grown from 34 percent in 1976, to 45 percent in 1980, and our Hispanic population has grown from 2 percent to 5 percent in the same period. Next year the number of black students in our school system will begin to decline even though the black student percentage of the total population will continue to rise. In 1970 we reached a peak of 133,000 students and next school year we predict an enrollment of 88,000. During the process of desegregation much public and media attention was focused on white flight, therefore, statistically this issue had intensive examination. Our conclusions are that our decline is almost exclusively attributed to declining birth rates. Nevertheless, the public myth of whites fleeing to the suburbs in ever increasing numbers persists. There is no question that certain desegregation plans by their very design can increase white departures. Some plans are purposely designed to avoid flight (Los Angeles is currently contemplating implementation of a plan that purports to be extremely sensitive to the flight issue as well as to the transportation issue). Inevitably, with those plans the issue of burden arises. Simply put, a plan that can minimize the amount of compulsory assignment will reduce the amount of flight--the flight of minority students, as well as majority students. However, any plan that attempts to exhaust the possibilities of voluntary movement can predictably expect to see eight to ten times more willingness on the part of minority students to move to what were formerly predominantly white schools than the reverse. In fact, the voluntary movement of white students seems to be predicated upon the development of an overwhelmingly popular program that is located in and replaces the previous program in an all minority school. The Milwaukee desegregation plan is designed to exhaust the possibilities of voluntary movement. The relatively small number of mandatory assignments in the Milwaukee system has been done equitably. There remains, however, considerable controversy regarding the sociological basis of the Milwaukee Plan. Any policy analysis of this plan would reveal the competing sociological values that are at the base of any criticism of the Milwaukee desegregation approach. Since this approach has gained such widespread application in other cities, it would seem important to fully evaluate the sociological tenets of this approach.

Summary

The idiosyncrasies of the desegregation process tend to mask the important commonalities. With regard to the desegregation that stems from federal court action, school districts tend to view what is happening to them in the legal process and eventually in the remedy process as a unique experience. While there are important differences from city to city there are common and predictable issues that all city systems going through the desegregation process have faced. I have attempted to review the Milwaukee experience in terms of what I believe are some of these common and critical issues. I have chosen to draw from the Milwaukee experience three issues that I feel are critical in the desegregation process, namely, determining the source of leadership, dealing with the complexity of desegregation funding, and adjusting to competing psychologies of racial balance. There are, of course, numerous other important, common issues that could also have been explored. To the extent that we can identify and further analyze these issues, we will contribute to the understandings that those responsible for integration policy formation and administration should have.